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09/747,698	12/22/2000	Clive C. Hayball	584-1038	9931

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EXAMINER

HALIM, SAHERA

ART UNIT	PAPER NUMBER
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2157

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/747,698

Applicant(s)

HAYBALL, CLIVE C.

Examiner

Sahera Halim

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to Amendment received on November 07, 2007.

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification fails to describe 'computer readable medium'.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 13 is directed to "a computer program readable medium..". The examiner fails to find what the computer program readable medium is in the specification.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 recites the limitation "the location" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim. For examination purposes it is read as "location". Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4., 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. Pub. No. 2005/0193114 to Colby et al (hereinafter Colby) in view of US Pat Pub. No. 2004/0049598 to Tucker et al (hereinafter Tucker).

7. As to claim 1, Colby teaches a method of indexing location of content cached within an IP-based network comprising (abstract):

(c) generating a mapping from the content identified by the extracted identity information to the destination node identified by the associated, destination location information (See pg. 9, tables 2-3 and paragraph 0113 – 0118; mapping IP address with continent identifiers), and

(d) storing the mapping in a content index database which is operable to provide, an instance mapping containing list of destination nodes at which the content has been

cached, the instance mapping being provided in response to an instance request containing a content identity information for the content (see page 10, paragraphs 0111 – 0118 and pg. 4, paragraph 0051,0055-0056, the CSD maintains multiple database containing information both about the servers that contain the content and the clients requesting the content).

Colby fails to teach intercepting data traffic flowing from a source node to a destination node in the network, the data traffic including content to be cached at the destination node and extracting identity information for the content and associated destination location information for the destination node where the content in the data traffic is to be cached from the data traffic flow.

However, Tucker teaches:

(a) intercepting data traffic flowing from a source node to a destination node in the network (abstract), the data traffic including content to be cached at the destination node (see Par [0011], content going to the user is intercepted).

(b) extracting identity information for the content and associated destination location information for the destination node where the content in the data traffic is to be cached from the data traffic flow (see Par 0033 - 0037).

Having the teaching of Colby and Tucker, it would have been obvious for a person having ordinary skill in the to combine the intercepting traffic flowing from source node to a destination node and extracting identity information of the content thought by Trucker with index mapping and storing of Colby in order to provide faster and more efficient user connections to the web servers (Trucker 0008).

8. As to claim 4, Colby teaches a method according to claim 1, wherein the step of intercepting traffic is carried out by intercepting traffic flowing out of an original content source node (see pg. 1, 0010 - 0018).

9. Claims 8 and 13 have similar limitations as to claim 1 and does not further limit the invention, therefore, they are rejected under same rational.

10. Claims 2, 3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colby in view of Tucker applied to claim 1 above, and further in view of U.S Pat. No. 6,205,146 to Rochberger et al. (hereinafter Rochberger).

11. As to claim 2, Colby and Tucker teach a method according to claim 1, wherein the step of intercepting traffic is carried out by Intercepting traffic flowing into a cache (see pg. 1, 0010 - 0018). However, Tucker and Colby do not teach wherein the method, further comprises advertising the content Identities for which mappings are stored in the content index by sending advertising messages to a predetermined location.

Nonetheless, Rochberger teaches advertising the content Identities for which mappings are stored in the content index by sending advertising messages to a predetermined location (see col. 5 lines 58-col. 6 lines 6). Having the teachings of Colby, Tucker and Rochberger, it would have been obvious for a person having ordinary skill in the art at the time of the invention to implement Rochberger's advertising messages in order to

allow mirroring of content in distributed data centers, with overflow content delivery capacity and backup in the case of a partial communications failure (see page 2, paragraph 0015).

12. As to claim 3, Colby and Tucker fail to teach wherein the method further comprises recording the time of traffic flows into the cache which are related to a particular content and calculating the time period between a first flow of the content item into the cache and a subsequent flow of the content item into the cache thereby to assess how long items are held in the cache before they are expired and deleting the mapping relating to that content item when that content item is judged to have expired in the cache. However Rochbeger teaches recording the time of traffic flows into the cache which are related to a particular content and calculating the time period between a first flow of the content item into the cache and a subsequent flow of the content item into the cache thereby to assess how long items are held in the cache before they are expired and deleting the mapping relating to that content item when that content item is judged to have expired in the cache (see col. 5 lines 58-col. 6 lines 6, the data is deleted when the timer expires). Thus, it would have been obvious for a person having ordinary skill in the art at the time of the invention to include recording the length of time a content has stayed in the cache and deleting the expired content because it makes memory available for critical content.

13. As to claim 5, Colby and Tucker fail to teach wherein the method further comprises receiving an advertising message, which advertises a mapping; generated elsewhere on the network and which is related to content items stored in the original content source, and augmenting the content index using information contained in the advertising message. However, Rochbeger teaches receiving an advertising message, which advertises a mapping; generated elsewhere on the network and which is related to content items stored in the original content source, and augmenting the content index using information contained in the advertising message (see col. 5 lines 15-57). Therefore, it would have been obvious for a person having ordinary skill in the relevant art at the time of the invention to augment content index using the advertising message in order to get the most updated mapping, which will assist in avoiding trans-continental links and the bottlenecks they introduce (pg. 2, paragraph 0018).

14. Claim 6, has similar limitations as to claim 2, therefore it is rejected under the same rational.

Response to Arguments

15. Applicant's arguments with respect to claims 1, 8 and 13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahera Halim whose telephone number is (571) 272-4003. The examiner can normally be reached on M-F from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Sahera Halim
Patent Examiner
AU: 2157

January 10, 2007


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